

AMENDED IN SENATE JUNE 8, 2005

AMENDED IN SENATE MAY 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1426**

**Introduced by Assembly Member Liu**

February 22, 2005

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An act to amend Section 597u of, and to repeal Section 597w of, the Penal Code, relating to animals.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as amended, Liu. Animal euthanasia.

Existing law makes it a crime to engage in acts of animal abuse, as specified. Existing law makes it a misdemeanor to kill any animal by the use of carbon monoxide gas ~~or to kill any dog or cat by the use of any high-altitude decompression chamber or nitrogen gas.~~

~~This bill would revise the above provisions to instead make it provide that it is also~~ a misdemeanor to kill any animal ~~by the above measures or by~~ means of an intracardiac injection of a euthanasia agent on a conscious animal, unless the animal is heavily sedated or anesthetized in a humane manner, or comatose, or unless, in light of all the relevant circumstances, the procedure is justifiable. By creating ~~new crimes~~ *a new crime*, this bill would impose a state-mandated program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 597u of the Penal Code is amended to  
2 read:

3 597u. (a) No person, peace officer, officer of a humane  
4 society, or officer of a pound or animal regulation department of  
5 a public agency shall kill any animal by using any of the  
6 following methods:

7 (1) Carbon monoxide gas.

8 ~~(2) High-altitude decompression chamber.~~

9 ~~(3) Nitrogen gas.~~

10 ~~(4)~~

11 (2) Intracardiac injection of a euthanasia agent on a conscious  
12 animal, unless the animal is heavily sedated or anesthetized in a  
13 humane manner, or comatose, or unless, in light of all the  
14 relevant circumstances, the procedure is justifiable.

15 (b) *With respect to the killing of any dog or cat, no person,*  
16 *peace officer, officer of a humane society, or officer of a pound*  
17 *or animal regulation department of a public agency shall use any*  
18 *of the methods specified in subdivision (a) or any of the following*  
19 *methods:*

20 *(1) High-altitude decompression chamber.*

21 *(2) Nitrogen gas*

22 *(c) This section shall become operative on January 1, 2000.*

23 SEC. 2. Section 597w of the Penal Code is repealed.

24 SEC. 3. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the  
29 penalty for a crime or infraction, within the meaning of Section  
30 17556 of the Government Code, or changes the definition of a  
31 crime within the meaning of Section 6 of Article XIII B of the  
32 California Constitution.

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